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99TH CONGRESS }  
1st Session }

HOUSE OF REPRESENTATIVES

REPORT  
99-186 ✓

## FIELD OFFICE CLOSING JUSTIFICATION ACT

JUNE 27, 1985.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SCHROEDER, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H.R. 2401]

[Including cost estimate of the Congressional Budget Office]

The Committee on Post Office and Civil Service to whom was referred the bill (H.R. 2401) to amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass. ✓

### PURPOSE

The purpose of this legislation is to require executive agencies to provide Congress with 120 days notice prior to making any significant change in their field office structure that will adversely affect Federal employees. }

### COMMITTEE ACTION

On May 7, 1985, Representative Patricia Schroeder (D-Colorado) introduced H.R. 2401, the Field Office Closing Justification Act. As of June 26, there were 82 cosponsors. The bill was referred to the Committee on Post Office and Civil Service.

The Subcommittee on Civil Service held a public hearing on the bill on June 4, 1985 (Serial No. 99-11). Testimony was presented by Representative Timothy Wirth (Colorado), Representative Alan Wheat (Missouri), and Representative Barney Frank (Massachusetts).

Written statements were received from Representative Fernand St Germain (Rhode Island), Representative Ron Dellums (California), Representative Joe Moakley (Massachusetts), Representative Gerry Studds (Massachusetts), Representative W.G. Hefner (North Carolina), Representative James Jeffords (Vermont), Representative Norman Dicks (Washington), and Representative Michael Barnes (Maryland) and Representative Vic Fazio (California).

Statements were also received from Representative Barbara Boxer (California), Representative Major Owens (New York), Representative Harley Staggers (West Virginia), Representative Gary Ackerman (New York), Representative Sala Burton (California), Representative Charles A. Hayes (Illinois), and Representative Jaime Fuster (Puerto Rico).

The Subcommittee on Civil Service invited Mr. David Stockman, Director of the Office of Management and Budget (OMB), to testify on H.R. 2401. The subcommittee was advised that Mr. Stockman would be unable to testify, as would OMB Deputy Director Joseph Wright. In addition, it was stated to the subcommittee that lower level officials, such as Associate Director for Management Arlene Triplett, were not permitted to testify. The subcommittee offered to schedule a hearing at the convenience of the Director, but was advised that he and Mr. Wright would be unavailable for the foreseeable future.

On June 12, 1985, the Subcommittee on Civil Service, by a record vote of 4 to 0, approved H.R. 2401 for full Committee consideration. On June 26, 1985, the Committee on Post Office and Civil Service, by voice vote and with a quorum present, ordered the bill favorably reported, without amendment.

#### SUMMARY

H.R. 2401, the Field Office Closing Justification Act, would amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any civilian agency proposing to carry out removals, reductions in grade or pay, involuntary reassignments, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices. The Department of Defense and the General Accounting Office are not included in this bill. The bill applies to all agency offices, located in the United States, which are not part of the principal agency office. To fulfill the reporting requirement of the bill, the agency must identify the field office involved and the nature or, and reasons for, the proposed reorganization. The agency must also provide an analysis of the impact of the reorganization on the employees, the functions they perform, and the effect of the reorganization both on the community the office serves and the community in which it is located.

#### STATEMENT

The Field Office Closing Justification Act was introduced in response to the Administration's ambitious proposal for closing or reducing the size of Federal field offices and the inability of citizens, Federal employees, and congressional offices to obtain any information on specific plans for office closings or consolidations.

President Reagan took office with the promise of reducing big government. One major aspect of this effort has been the attempt to cut the size of the government located outside of Washington, D.C. The President's Private Sector Survey on Cost Control (the Grace Commission) also recommended that agencies should be "streamlined." This recommendation led to the establishment, in March of 1983, of the Working Group on Federal Field Structure Reform. The Working Group was under the direction of the Cabinet Council on Management and Administration (CCMA) and was headed by Mr. Gerald P. Carmen, the former Administrator of the General Services Administration.

In its summary report, the Working Group concluded that "it is apparent that there is a reduced need for a Federal presence in some geographic areas." The Working Group made a series of specific recommendations but stressed that "the Administration needs to vigorously press its agency heads to streamline their individual field structures in accordance with standing government-wide management policies." In closing his presentation before the CCMA, Mr. Carmen urged that "If agency heads don't take the lead, OMB should fill the void and force change through the budget process."

#### *The Management Report*

On February 20, 1985, the Office of Management and Budget issued a booklet entitled "Management of the United States Government, Fiscal Year 1986" (the Management Report) which announced plans for the closings of hundreds of regional and field offices. While the report provides information on the number of offices to be closed, it is silent on which specific offices will face cut-backs.

Two sections of the Management Report contain general plans for eliminating field offices. One section entitled "Standard Federal Region Reform," highlights plans by the Departments of Labor, Education, Health and Human Services, and Housing and Urban Development, as well as the Offices of Personnel Management and the Federal Emergency Management Agency, to cut the number of regional offices each has. According to the Management Report, these agencies are planning to reduce their ten standard regions to five or six. Further, functions previously conducted in the field are proposed for consolidation in Washington, D.C.

The section entitled "Federal Field Structure Changes" lists plans by agencies to reduce field services. It states that the Veterans Administration, for example, will reduce its field employment by 1,424 by closing a number of veterans' benefit offices. The Agriculture Department will close many of its 17,000 Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Farmers Home Administration offices. The Department of Interior will close some of its 11 Bureau of Mines laboratories and some of its 104 Fish and Wildlife Service research facilities.

On February 11, 1985, Rep. Patricia Schroeder, Chairwoman of the Subcommittee on Civil Service, sent letters to all Federal agencies with field structures, other than the Defense Department, asking for information on agency plans to consolidate or eliminate offices. Although replies were requested by February 21, many of the responses were received after that date. The material received

was often incomplete or contradictory to information contained in the OMB Management Report. In addition, the subcommittee began receiving numerous letters and phone calls from congressional offices, Federal employees, and citizens—all struggling to separate fact from rumor and to clarify the many discrepancies in information.

*Confusing and inconsistent information*

Following are some examples of the confusion, inconsistency, and secrecy involved in plans to reduce the Federal field structure:

The Department of Health and Human Services (HHS) made no mention in its letter to Chairwoman Schroeder of the hundreds of Social Security offices rumored to be closing. The Management Report said that through reform in Social Security's operations the number of full-time equivalent employees of the Social Security Administration would be reduced by 15,000 by 1990.

The Federal Emergency Management Agency (FEMA) said that it is now "examining" reducing its regional offices from 10 to 6. The Management Report said FEMA *will* reduce to 6 regional offices.

In a February 26 letter to Chairwoman Schroeder, the Department of Agriculture (USDA) claimed that it has not yet made any decisions and does not yet know where, what or when the final impact of its review will be. Yet, the Commodity Credit Corporation closed its field operations in Portland and Atlanta on April 16, 1985.

In a congressional briefing, staff of the Office of Management and Budget gave assurances that no actions would be put into effect before Fiscal Year 1986. Yet, the General Services Administration (GSA) has ordered major changes in its regional reorganization structure to take effect during Spring 1985.

In its letter to the Subcommittee, the Department of Education stated that "the impact of any changes we propose will not be very dramatic." The Management Report says that Education will consolidate most all functions in Washington, D.C., and the remaining functions will be consolidated in no more than 6 or 7 field offices. There are currently 10 Education field offices.

The Department of Interior said that it has no specific plans to implement changes; yet, the Management Report said that work and lab sites of the Bureau of Mines and the Fish and Wildlife Service would be consolidated.

*Legislation*

H.R. 2401 does not address the need or advisability of retaining a field structure of government. It does not preclude the Administration from streamlining the government. It does not prevent office closings or consolidations. This bill requires only that each agency advise Congress of its reorganization plans and the justification for, and analysis of, each plan.

The hearing on the legislation provided a number of Members of Congress with the opportunity to discuss experiences with field office closings in their districts. Most Members were dismayed at

their inability to track down rumors or to get specifics on major field closings and function transfers in their districts. They feel responsible as elected representatives for relaying and explaining government actions to the people of their district. If Congressional requests for information are stymied, the interests of citizens and employees are ignored.

A related concern expressed is that agencies attempt to make the closing or reduction an accomplished fact before Congress can act to stop the move. This stealth-like conduct appears to many Members of Congress as evidence that the agency cannot justify the action. The agency moves precipitously because it is unable to convince outside observers that the move makes sense.

Another concern, expressed by Rep. Barney Frank (D-Massachusetts), is that the Office of Management and Budget, which insulates itself from congressional oversight by frequently refusing to testify, forces agencies through the budget process to engage in conduct which the agency would not undertake on its own. The agencies are unable to justify their actions and Members of Congress are at a loss to understand why the action is occurring.

The Field Office Closing Justification Act is aimed at bringing the entire process out into the open. The bill requires agencies to provide four months advance notice of any field office change which results in the removal, downgrading, involuntary reassignment, or furlough of any employee where that change is incident to a decision to change or terminate the functions of a field office. The notice will provide Members of Congress with sufficient information to understand the nature of the action and also with sufficient information to respond to constituent inquiries.

#### SECTION ANALYSIS

Section 1 of H.R. 2401 provides the short title, which is the "Field Office Closing Justification Act."

Section 2 amends Chapter 35 of title 5, United States Code, by adding a new Subchapter VII—Retention of Employees Pending Agency Report on Proposed Reorganizations.

New section 3598 contains definitions of terms used in the subchapter:

"Agency" means an Executive agency, as defined in section 105 of title 5, but does not include the General Accounting Office or the Department of Defense.

"Field office" means an office or other unit of an agency which is located in the United States and which is not a part of the principal office of the agency. This is to include all field, regional, district, and area offices. It also includes laboratories. It does not cover the headquarters office of the agency which is usually, but not necessarily, located in Washington, D.C.

"Employee" means an individual employed in or under an agency. It does not include an individual serving under a temporary appointment or on a seasonal or intermittent basis.

"Furlough" means the placing of an employee, for nondisciplinary reasons, in a temporary status without duties.

"Involuntary reassignment" means the directed reassignment of an employee to a position outside the employee's com-

muting area. The employee's commuting area typically includes a population center and the surrounding localities in which people live and reasonably can be expected to travel back and forth daily in their usual employment.

New section 3598a provides that an agency must furnish Congress with a written report 120 days before carrying out any proposed personnel action taken in connection with a significant field office change. Such personnel actions include removals, reductions in grade or pay level, involuntary reassignments or furloughs. The significant field office changes which would trigger the reporting requirement include changing the types or number of functions performed by a field office, or the manner in which such functions are to be performed. The triggering change would also include the termination of the performance of any function, in whole or in part, by any field office. Also, the closing or downgrading of a field office would require the agency to report its plans to Congress.

The report to Congress on the field office change or reorganization effort must identify the office or offices involved and the nature of, and reasons for, the proposed reorganization. The report must compare the number of employees who are assigned to the office before, and the number of employees who would be assigned to the office immediately after, the proposed action. The report must account for any difference in these numbers by including a summary of any personnel actions proposed to be taken incident to the reorganization and the number of employees who would be affected by each type of personnel action proposed.

The report must compare the functions performed by the office before and after the implementation of the proposed reorganization. It must assess the relative capability of the office to perform its assigned functions before and after the proposed reorganization, particularly in relation to any function which involves providing services to the public. The agency report must assess the economic impact and other consequences of the reorganization on the community in which the office is located. It must also provide a statement of the costs, benefits, and any other effects expected to flow from the reorganization.

The report must be submitted to both Houses of Congress and to each House while it is in session.

The Committee expects the reports to be tailored to the action involved. A small shift involving a small number of personnel actions and no removals warrants a brief report. The complete closing of a major regional office requires an extensive detailed report.

#### Cost

The cost estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974 is set forth below:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 27, 1985.

Hon. WILLIAM D. FORD,  
*Chairman, Committee on Post Office and Civil Service, House of  
Representatives, Cannon House Office Building, Washington,  
DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2401, the Field Office Closing Justification Act, as ordered reported by the House Committee on Post Office and Civil Service, June 26, 1985.

The bill would prohibit any Executive Branch agency, except the Department of Defense, from proceeding with personnel changes in the agency's field offices unless the agency submits a report to the Congress 120 days before the effective date of the proposed change. The report would contain information about the changes in personnel and functions of the field office, a statement of the costs and benefits of the changes, and an estimate of the economic impact and other consequences of the changes on the community in which the field office is located. Because agencies, when examining a change in a field office, already collect most of the information required by a report, the additional costs of this bill would result from compiling the collected information for the report to the Congress and estimating the economic impact on the community. Based on information received from several agencies with the largest number of field offices, we estimate that the total cost of preparing the reports would be less than \$1 million annually. To the extent that the proposed field office changes are expected to produce savings, preparation of the report and subsequent Congressional review may result in further additional costs if these activities delay the proposed changes.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,  
Sincerely,

ERIC HANUSHEK  
(For Rudolph G. Penner).

#### OVERSIGHT

Under the rules of the Committee on Post Office and Civil Service, the Subcommittee on Civil Service is vested with legislative and oversight jurisdiction over the subject matter of this legislation. As a result of the hearing, the subcommittee concluded that there is ample need and justification for enacting this legislation.

The subcommittee received no report of oversight findings or recommendations from the Committee on Government Operations pursuant to clause 4(c)(2) of House Rule X.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of House Rule XI, the committee has concluded that the enactment of H.R. 2401 will have no inflationary impact on the national economy.



#### ADMINISTRATION VIEWS

Set forth below are the views of David A. Stockman, Director, Office of Management and Budget on H.R. 2401:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, June 14, 1985.

Hon. WILLIAM D. FORD,  
*Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on H.R. 2401, the "Field Offices Closing Justification Act."

The purpose of H.R. 2401 is to require agencies to submit a written report to the Congress 120 days before any reorganization of a field office takes effect. The bill specifies that the report must state the nature of and reasons for the reorganization.

The bill also requires that agency reports (1) detail the number of employees assigned to the affected office before and after the reorganization; (2) specify the types of personnel actions proposed to effect the changes; (3) list the number of employees who would be affected by each type of personnel action; (4) compare the functions performed by the field offices before with those that would be performed after the reorganization; (5) assess the relative capacity of the affected offices to perform assigned functions before and after the reorganization, with emphasis on providing services to the public; (6) estimate the economic impact and other consequences of the reorganization on the local community; and (7) state the costs, benefits "and other effects" anticipated from the reorganization.

There are approximately 22,000 separate locations for Federal civilian field offices. Because of co-location of bureau and subbureau level offices, the actual number of organizational entities involved is substantially higher. At any given time, there are hundreds of changes occurring in these offices that could trigger the reporting requirements of the bill. These changes occur due to shifts in workloads, changes in mission requirements or program focus, and increases or decreases in budgets. Most of these changes are minor and non-controversial. Although some will involve movement of employees, most agencies use attrition in order to avoid disruptive personnel actions. It is often difficult, however, to predict the exact nature and number of personnel actions that will result from a given change.

We do not have any hard data on the actual number of personnel actions annually which are "incident to a decision" as defined by the bill. If, however, even a small percentage of the 22,000 field locations are involved, Federal agencies would have to file several thousand detailed reports annually.

This legislation would require the involvement of Congress in the minutiae of agency personnel management, a task for which Congress is ill-equipped and which would produce few if any positive results. In fact, the costs would certainly outweigh any benefits. The cost of preparation, review, clearance, and congressional review of the reports would be substantial. More costly would be the delay of needed field office reorganizations or other changes by

at least four months, requiring the continued use of scarce resources in out-of-date organizational arrangements.

The bill, in short, intrudes upon the President's responsibility for Executive branch management, contradicts recent efforts by Congress and the Administration to eliminate unnecessary paperwork and reduce the number of reports to Congress, and conflicts with the goals, shared by Congress and the Administration, of streamlining government operations and establishing efficient and cost-effective management.

Accordingly, for the reasons stated above, this Office is strongly opposed to the enactment of H.R. 2401.

Sincerely,

DAVID A. STOCKMAN,  
*Director.*

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### TITLE 5, UNITED STATES CODE

\* \* \* \* \*

#### CHAPTER 35—RETENTION PREFERENCE, RESTORATION, AND REEMPLOYMENT

##### SUBCHAPTER I—RETENTION PREFERENCE

Sec.

3501. Definitions; application.

3502. Order of retention.

3503. Transfer of functions.

3504. Preference eligibles; retention; physical qualifications; waiver.

##### SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY OR TRAINING DUTY

3551. Restoration; Reserves and National Guardsmen.

##### SUBCHAPTER III—REINSTATEMENT OR RESTORATION AFTER SUSPENSION OR REMOVAL FOR NATIONAL SECURITY

3571. Reinstatement or restoration; individuals suspended or removed for national security.

##### SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE WITH AN INTERNATIONAL ORGANIZATION

3581. Definitions.

3582. Rights of transferring employees.

3583. Computations.

3584. Regulations.

##### SUBCHAPTER V—REMOVAL REINSTATEMENT, AND GUARANTEED PLACEMENT IN THE SENIOR EXECUTIVE SERVICE

3591. Definitions.

3592. Removal from the Senior Executive Service.

3593. Reinstatement in the Senior Executive Service.

3594. Guaranteed placement in other personnel systems.

3595. Reduction in force in the Senior Executive Service.

3595a. Furlough in the Senior Executive Service.  
3596. Regulations.

**SUBCHAPTER VI—REEMPLOYMENT FOLLOWING LIMITED APPOINTMENT  
IN THE FOREIGN SERVICE**

3597. Reemployment following limited appointment in the Foreign Service.

**SUBCHAPTER VII—RETENTION OF EMPLOYEES PENDING AGENCY  
REPORT ON PROPOSED REORGANIZATIONS**

3598. Definitions.

3598a. Reporting requirements.

\* \* \* \* \*

**SUBCHAPTER VII—RETENTION OF EMPLOYEES PENDING  
AGENCY REPORT ON PROPOSED REORGANIZATIONS**

**§ 3598. Definitions**

*For the purpose of this subchapter—*

- (1) "agency" means an Executive agency, but does not include the General Accounting Office or the Department of Defense;
- (2) "field office", as used with respect to an agency, means any office or other unit of such agency which is located within the United States and which is not a part of the principal office of such agency;
- (3) "employee" means an individual employed in or under an agency, but does not include an individual serving under a temporary appointment or on a seasonal or intermittent basis;
- (4) "furlough" means the placing of an employee, for nondisciplinary reasons, in a temporary status without duties; and
- (5) "involuntary reassignment", as used with respect to an employee, means the involuntary reassignment of such employee to a position outside the commuting area within which such employee's former position is located.

**§ 3598a. Reporting requirement**

(a) An agency may not carry out any personnel action described in subsection (b) unless, at least 120 days before the effective date of the personnel action proposed, such agency submits a written report to Congress providing the information described in subsection (c).

(b) This section applies with respect to any removal, reduction in grade (or pay level), involuntary reassignment, or furlough of any employee assigned to a field office of an agency if that personnel action is incident to a decision—

- (1) to change the types or the number of functions to be performed by such field office, or the manner in which such functions are to be performed; or
- (2) to terminate the performance of any function, in whole or in part, by such field office.

(c) Any report submitted under this section with respect to a reorganization described in paragraph (1) or (2) of subsection (b) shall—

- (1) identify the field office involved and the nature of, and the reasons for, the proposed reorganization;
- (2) compare the number of employees who are assigned to such office before, and the number of employees who would be

*assigned to such office immediately after, the proposed reorganization;*

*(3) account for any difference under paragraph (2) by including a summary of any personnel actions proposed to be taken incident to the reorganization and the number of employees who would be affected by each type of personnel action proposed;*

*(4) compare the functions performed by such office before, and the functions which would be performed by such office after, the proposed reorganization;*

*(5) assess the relative capability of such office to perform its assigned functions before and after the proposed reorganization, particularly with respect to any functions which involve providing services to the public;*

*(6) estimate the economic impact and the other consequences of the reorganization with respect to the community within which such office is located; and*

*(7) include a statement of the costs, benefits, and other effects anticipated as a result of the reorganization.*

*(d) A report submitted to Congress under this section shall be transmitted to both Houses on the same day and to each House while it is in session.*

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99TH CONGRESS  
1ST SESSION

# H. R. 2401

To amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1985

Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. APPELGATE, Mr. BARNES, Mrs. BOXER, Mrs. COLLINS, Mr. CROCKETT, Mr. DICKS, Mr. DWYER of New Jersey, Mr. FOLEY, Mr. FRANK, Mr. FUSTER, Mr. HAYES, Mr. HEFNER, Mr. HOWARD, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. OWENS, Mr. ROE, Mr. SAVAGE, Mr. STAGGERS, Mr. STOKES, Mr. WHEAT, and Mr. WOLPE) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Field Office Closing Jus-  
5 tification Act".

1 SEC. 2. AMENDMENTS.

2 (a) REPORTING REQUIREMENT.—Chapter 35 of title 5,  
3 United States Code, is amended by adding at the end thereof  
4 the following:

5 "SUBCHAPTER VII—RETENTION OF EMPLOYEES  
6 PENDING AGENCY REPORT ON PROPOSED  
7 REORGANIZATIONS

8 "§3598. Definitions

9 "For the purpose of this subchapter—

10 "(1) 'agency' means an Executive agency, but  
11 does not include the General Accounting Office or the  
12 Department of Defense;

13 "(2) 'field office', as used with respect to an  
14 agency, means any office or other unit of such agency  
15 which is located within the United States and which is  
16 not a part of the principal office of such agency;

17 "(3) 'employee' means an individual employed in  
18 or under an agency, but does not include an individual  
19 serving under a temporary appointment or on a season-  
20 al or intermittent basis;

21 "(4) 'furlough' means the placing of an employee,  
22 for nondisciplinary reasons, in a temporary status with-  
23 out duties; and

24 "(5) 'involuntary reassignment', as used with re-  
25 spect to an employee, means the involuntary reassign-  
26 ment of such employee to a position outside the com-

1 muting area within which such employee's former posi-  
2 tion is located.

3 **"§3598a. Reporting requirement**

4 "(a) An agency may not carry out any personnel action  
5 described in subsection (b) unless, at least 120 days before  
6 the effective date of the personnel action proposed, such  
7 agency submits a written report to Congress providing the  
8 information described in subsection (c).

9 "(b) This section applies with respect to any removal,  
10 reduction in grade (or pay level), involuntary reassignment,  
11 or furlough of any employee assigned to a field office of an  
12 agency if that personnel action is incident to a decision—

13 "(1) to change the types or the number of func-  
14 tions to be performed by such field office, or the  
15 manner in which such functions are to be performed; or

16 "(2) to terminate the performance of any function,  
17 in whole or in part, by such field office.

18 "(c) Any report submitted under this section with re-  
19 spect to a reorganization described in paragraph (1) or (2) of  
20 subsection (b) shall—

21 "(1) identify the field office involved and the  
22 nature of, and the reasons for, the proposed reorgani-  
23 zation;

24 "(2) compare the number of employees who are  
25 assigned to such office before, and the number of em-



1 employees who would be assigned to such office immedi-  
2 ately after, the proposed reorganization;

3 “(3) account for any difference under paragraph  
4 (2) by including a summary of any personnel actions  
5 proposed to be taken incident to the reorganization and  
6 the number of employees who would be affected by  
7 each type of personnel action proposed;

8 “(4) compare the functions performed by such  
9 office before, and the functions which would be per-  
10 formed by such office after, the proposed reorganiza-  
11 tion;

12 “(5) assess the relative capability of such office to  
13 perform its assigned functions before and after the pro-  
14 posed reorganization, particularly with respect to any  
15 functions which involve providing services to the  
16 public;

17 “(6) estimate the economic impact and the other  
18 consequences of the reorganization with respect to the  
19 community within which such office is located; and

20 “(7) include a statement of the costs, benefits, and  
21 other effects anticipated as a result of the reorganiza-  
22 tion.

23 “(d) A report submitted to Congress under this section  
24 shall be transmitted to both Houses on the same day and to  
25 each House while it is in session.”

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 chapter 35 of title 5, United States Code, is amended by  
3 adding at the end thereof the following:

“SUBCHAPTER VII—RETENTION OF EMPLOYEES PENDING AGENCY  
REPORT ON PROPOSED REORGANIZATIONS

“3598. Definitions.

“3598a. Reporting requirement.”.

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